

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF BELLSOUTH)
MOBILITY, LLC, D/B/A CINGULAR)
WIRELESS - KENTUCKY FOR)
ISSUANCE OF A CERTIFICATE OF)
PUBLIC CONVENIENCE AND)
NECESSITY TO CONSTRUCT A)
WIRELESS COMMUNICATIONS) CASE NO. 2004-00328
FACILITY AT 99 MOUNTAIN SPRING)
ROAD, VAN LEAR, KENTUCKY 41265)
IN THE WIRELESS COMMUNICATIONS)
LICENSE AREA)
IN THE COMMONWEALTH OF KENTUCKY)
IN THE COUNTY OF JOHNSON)
SITE NAME: ODDS)

O R D E R

On August 8, 2004, Bellsouth Mobility, LLC, d/b/a Cingular Wireless - Kentucky ("Cingular"), filed an application for a Certificate of Public Convenience and Necessity to construct a wireless communications facility at 99 Mountain Spring Road, Van Lear, Kentucky, known as the "ODDS" site. On October 28, 2004, the Commission granted full intervention to Beech Fork Processing, Inc. ("Beech Fork"). Commission Staff scheduled an informal conference with the parties on November 10, 2004. Cingular, with the concurrence of Beech Fork, requested cancellation of the conference and indicated that the parties were discussing a resolution of their differences as to the site location. On February 8, 2005, Cingular filed a "Report of Settlement Progress." However, since that date, the Commission has not received any information as to

settlement progress. While we encourage the parties to resolve their differences, we find that this matter has lingered too long without an apparent resolution. If the parties cannot reach an agreement on the site location, they may request a hearing on the application.

The Commission, on its own motion, HEREBY ORDERS that:

1. On or before July 1, 2005, Cingular and Beech Fork shall, individually or jointly, file a status report as to their settlement efforts and shall state whether a settlement is forthcoming.

2. If a settlement is not forthcoming, Cingular and Beech Fork shall state whether they want the Commission to schedule a formal hearing.

Done at Frankfort, Kentucky, this 24th day of June, 2005.

By the Commission

ATTEST:



Executive Director

Case No. 2004-00328